

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12311 OF 2018 (O&M)
DECIDED ON: JULY 10, 2018

RAJNI BALA AND OTHERS

.....PETITIONERS..

VERSUS

STATE OF PUNJAB AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Suminderdeep Kaur, Advocate for
Mr. Rajeev K. Kapila, Advocate,
for the petitioners.

JASPAL SINGH, J.

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondents to count daily wage service of deceased husbands of the petitioners rendered before regularization, as qualifying service for the purpose of pensionary benefits as per old GPF Scheme which was application to the employees recruited in Punjab Govt. service prior to 01.01.2004 in view of judgments of this Court dated 31.08.2010 (P-4), 14.07.2014 (P-5), 10.10.2014 (P-6), 07.01.2016 (P-7), 17.07.2017 (P-8) and 18.09.2017 (P-9). AS WELL AS to grant family pension to the petitioners in view of CWP No.29080 of 2017 and also to grant arrears of family pension from the date of death of their husband along with interest @ 18% p.a.

2. At the very outset of the arguments, it has been fairly conceded by

learned counsel for the petitioners that prior to the filing of instant petition neither any representation was moved nor any legal notice was served upon the respondents calling upon them to release the benefits claimed through instant petition. No such relief has also been declined at any point of time by the respondents.

3. Faced with the aforesaid situation, learned counsel for the petitioners submits that she intends to withdraw the instant petition with liberty to approach the concerned authorities by way of a detailed representation or legal notice.

4. In the light of submission made by learned counsel for the petitioners, instant petition is disposed of with the direction to the petitioners that if they so desire can move a detailed representation or get legal notice served through counsel upon the respondents unfolding their claim and in case, such a representation is moved or legal notice is served, the same shall be dealt with and considered by the respondents in accordance with law, rules and instructions, within a period of three months from the date of filing of representation or serving legal notice. In case, any adverse order is passed or the relief claimed is declined/rejected, aggrieved petitioner(s) shall be at liberty to have recourse to the remedies available under law as well as to approach this Court.

5. Thus, instant petition is dismissed as withdrawn with aforesaid liberty.

JULY 10, 2018

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***Whether speaking/reasoned* Yes**

***Whether reportable* Yes/No**

(JASPAL SINGH)

JUDGE